

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Crl.Rev.Pet.No. 353 of 1999(C)

CMP.16/1996 OF SUB DIVISIONAL MAGISTRATE, TIRUR, DTD. 09/04/99.

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REVISION PETITIONERS/ RESPONDENTS 7 8 AND 11:

1. KINATINGAPARAMBIL AYISHA, D/O. MOHAMED,
TRIPRANGODE VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT.
2. KINATINGAPARAMBIL NABEESA,
D/O. MOHAMED, TRIPRANGODE VILLAGE,
TIRUR TALUK, MALAPPURAM DISTRICT.
3. KINATINGAPARAMBIL MARIYUMMA,
W/O. MOHAMED, TRIPRANGODE VILLAGE,
TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI.

RESPONDENTS/ PETITIONER AND OTHER RESPONDENTS:

1. CHEMMALA AYYUTTY, PRESIDENT,
TRIPRANGODE PADASEKHARA COMMITTEE,
VETOM PALLIPRAM,
CHERIYAPARAPPUR DESOM.
- *2. KINATINGAPARAMBIL KUNHAPPU HAJI,
TRIPRANGODE VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT.
3. KINATINGAPARAMBIL KUTTU HAJI,
TRIPRANGODE VILLAGE,
TIRUR TALUK,
MALAPPURAM DISTRICT.

CRL. R.P. NO. 353/1999:

4. **CHOMMATH MOHAMMEDKUTTY @ KUNHIMON,
TRIPRANGODE VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT.**
5. **KINATINGAPARAMBIL BEERAN,
S/O. MOHAMED TRIPRANGODE VILLAGE,
TIRUR TALUK, MALAPPURAM DISTRICT.**
6. **KINATINGAPARAMBIL PAREEDU,
TRIPRANGODE VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT.**
7. **KINATINGAPARAMBIL BIYYA, TRIPRANGODE VILLAGE,
TIRUR TALUK, MALAPPURAM DISTRICT.**
8. **KINATINGAPARAMBIL KUNHAPPA,
TRIPRANGODE VILLAGE,
TIRUR TALUK, MALAPPURAM DISTRICT.**
- *9. **KINATINGAPARAMBIL AYAMUTTY,
TRIPRANGODE VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT.**
10. **ALAVI, S/O. LIYAMMU, TRIPRANGODE VILLAGE,
TIRUR TALUK, MALAPPURAM DISTRICT.**
11. **STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

***RESPONDENTS 2 AND 9 ARE DELETED FROM THE PARTY ARRAY
AS PER ORDER DATED 16/10/2007 IN CRL.M.A. NO. 3462/2007.**

**BY ADV. SRI.P.CHADRASEKHAR
PUBLIC PROSECUTOR SRI. C.K. SURESH.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

ORDER ON CRL.M.P. NO. 1467/1999 IN CRL.R.P. NO. 353/1999

DISMISSED

25/10/2007.

SD/- K.R.UDAYABHANU, JUDGE.

//TRUE COPY//

prv.

K.R. UDAYABHANU, J.

CRL.R.P.NO. 353 OF 1999

DATED THIS THE 25th October 2007

ORDER

The revision petitioners are respondents 7, 8 and 11 in C.M.P. No. 16/1996 in the file of the Sub Divisional Magistrate, Tirur with respect to the proceedings under Section 133 Cr.P.C. The allegation in the above proceedings was that the respondents caused obstruction to the pathway lying in R.S.No.144 of Vettam Pallippuram amsom and also caused obstruction to the natural flow of water to the adjacent paddy fields. The Sub Divisional Magistrate initiated proceedings under Section 133 Cr.P.C. and issued preliminary order which was made absolute. Subsequently respondents did not appear despite service of notice. It is the case of the petitioners that they did not get an opportunity to contest the matter and that they may be permitted to be heard. It is also pointed out that 4th respondent herein had filed C.R.P.No.658/1996 before this Court and as per order dated 10-3-1999 this Court set aside the order of the Sub Divisional Magistrate but confined the operation of the order so far as it applied to 4th respondent. Consequently the petitioners and some of the other respondents applied before the Sub Divisional Magistrate requesting that they also may be heard. But the Sub Divisional Magistrate as per

order in C.M.P.No.16/96 dated 9-4-1999 dismissed the application observing that they cannot be heard at this distance of time and further as the order of this Court is confined to 4th respondent alone. It is submitted that the direction of this Court in C.R.P.No.658/1996 to hear 4th respondent and dispose of the matter is still pending as the entire matter has been stayed in the present proceedings.

In the circumstances and in view of the fact that the matter is still pending before the Sub Divisional Magistrate, the Sub Divisional Magistrate is directed to permit the petitioners herein as well as the other remaining respondents also if they want to be heard and dispose of the matter on merits at the earliest. The petitioners are directed to appear before the Sub Divisional Magistrate on 28-11-2007. The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P. NO. 353 of 1999

ORDER

25-10-207